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Docket No. CDS5023USNP

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Merrit N. Jacobs  
Robert Anthony Burkovich  
David Lee Johnson

Serial No.: 10/730,749 Art Unit: 1743

Filed : June 17, 2004 Examiner:

For : STABILIZING A CUVETTE DURING MEASUREMENT

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03/24/2005

(Date of Deposit)

Todd J. Burns

(Name of applicant, assignee, or Registered Representative)

/Todd J. Burns/

(Signature)

03/24/2005

(Date of Signature)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

Dear Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

☒ In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required.

☐ In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with ☐ the first or ☐ second After Final Submission, therefore:

- ☐ Statement in Accordance with §1.97(e) (attached); or
- ☐ Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in §1.17(p).

☐ In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

- ☐ Statement in Accordance with §1.97(e) (attached); or

☐ Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in §1.17(p).

☐ In accordance with §1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with §1.97(e) as set forth below and the fee of \$180.00 as set forth in §1.17(p).

☐ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.

☐ Copies of references listed on the attached Form PTO-1449 are enclosed herewith EXCEPT THAT:

☐ In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.

☐ If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.

☒ Copies of only foreign patent documents and non-patent literature are enclosed in accordance with 37 CFR 1.98 (a)(2). (The U.S. patents and each U.S. patent application publication listed on the attached Form PTO-1449 are not enclosed because this U.S. patent application was filed after June 30, 2003 or this international application has entered the

national stage under 35 USC §371 after June 30, 2003 (see USPTO waiver of requirement under 37 CFR 1.98 (a)(2)(i)).

☒ There are no listed references which are not in the English language.

☐ The relevance of those listed references which are not in the English language is as follows:

☐ Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.

☐ Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/CDS5023USNP/TJB. This form is submitted in triplicate.

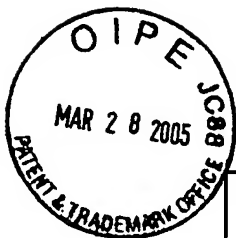
Respectfully submitted,

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DATED: 03/24/2005



-PTO/SB/08A (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449A/PTO

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 4

Application Number	10/870,107
Filing Date	June 17, 2004
First Named Inventor	Merrit N. Jacobs
Group Art Unit	1743
Examiner Name	
Attorney Docket Number	CDS 5023USANP

### U.S. PATENT DOCUMENTS

Examiner Initials	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		Number	Kind Code <sup>2</sup> (if known)			
		2003/0003591	A1	LaCourt et al.	01-02-2003	
		2003/0022380	A1	Jakubowicz et al.	01-30-2003	
		2003/0026733	A1	LaCourt et al.	02-06-2003	
		2003/0104634	A1	Jacobs et al.	06-05-2003	
		2003/0137650	A1	Fine et al.	07-24-2003	
		2003/0147078	A1	Zirk et al.	08-07-2003	
		2003/0128363	A1	Aberle et al.	07-10-2003	
		2002/0169368	A1	Hwang et al.	11-14-2002	
		Des. 290,170		Käyhkö	06-02-1987	
		10/684,536		Freeman III	10-14-2003	
		10/784,505		Burkovich	02-23-2004	
		Re 30,391		Liston	10-02-1980	
		3,355,856		Randrup	12-05-1967	
		3,544,272		Vaills	12-01-1970	
		3,754,872		Zauft	08-28-1973	

Examiner Signature	Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. <sup>6</sup> If possible. <sup>7</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 2 of 4

<b>Application Number</b>	10/870,107
<b>Filing Date</b>	June 17, 2004
<b>First Named Inventor</b>	Merrit N. Jacobs
<b>Group Art Unit</b>	1743
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		Number	Kind Code <sup>2</sup> (if known)			
		3,897,216		Jones	07-29-1975	
		4,066,365		Staunton	01-03-1978	
		4,208,127		Hufenreuter	06-17-1980	
		4,236,820		Walker	12-02-1980	
		4,431,307		Suovaniemi	02-14-1984	
		4,468,371		Chen et al.	08-28-1984	
		4,517,160		Galle et al.	05-14-1985	
		4,517,851		Tice	05-21-1985	
		4,595,562		Liston et al.	06-17-1986	
		4,614,434		Welch et al.	09-30-1986	
		4,629,703		Uffenheimer	12-16-1986	
		4,636,477		Rönka et al.	01-13-1987	
		4,639,135		Borer et al.	01-27-1987	
		4,666,853		Meserol et al.	05-19-1987	
		4,682,890		Macario et al.	07-28-1987	
		4,738,825		Kelln et al.	04-19-1988	
		4,741,429		Hattori et al.	05-03-1988	
		4,741,429		Hattori et al.	05-03-1988	

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Sheet 3 of 4

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		Number	Kind Code <sup>2</sup> (if known)			
		4,950,077		Manabe	08-21-1990	
		5,096,672		Tervamäki et al.	03-17-1992	
		5,273,715		Bridgham et al.	12-28-1993	
		5,309,216		Weichert	05-03-2003	
		5,314,825		Weyrauch et al.	05-24-1994	
		5,353,910		Harris et al.	10-11-1994	
		5,360,597		Jakubowicz et al.	11-01-1994	
		5,380,666		Wuerschum	01-10-1995	
		5,432,096		Zhu	07-11-1995	
		5,482,839		Ashihara et al.	01-09-1996	
		5,658,532		Kurosaki et al.	08-19-1997	
		5,599,501		Carey et al.	02-04-1997	
		5,735,378		Sundquist	04-07-1998	
		5,764,354		Aidam	06/09/1998	
		5,774,209		Shestock	06-30-1998	
		5,849,247		Uzan et al.	12-15-1998	
		5,853,666		Scaton et al.	12-29-1998	
		5,900,557		Tanihata et al.	05-04-1999	
		5,944,477		Shill	08-31-1999	
		6,047,082		Rhody et al.	04-04-2000	

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Sheet 4 of 4

Application Number	10/870,107
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		Number	Kind Code <sup>2</sup> (if known)			
		6,081,326		Rousscau et al.	06-27-2000	
		6,196,375	B1	Cozza	03-06-2001	
		6,274,872	B1	Katerkamp	08-14-2001	
		6,328,164	B1	Riekkinen et al.	12-11-2001	
		6,358,471	B1	Ishihara	03-19-2002	
		6,374,987	B1	Heuft et al.	04-23-2002	
		6,451,259	B1	Cohen et al.	09-17-2002	
		6,625,480	B2	Hwang et al.	09-23-2003	

**FOREIGN PATENT DOCUMENTS**

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		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup>				
		WO	2004/0273 75	A2	DADE BEHRING INC.	04-01-2004		

**OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS**

Examiner's Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITOL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>2</sup>
		Clin. Chem., Vol. 38, pp. 1623-1632, 1992	
		Anal. Chem., Vol. 59, No. 17, pp. 1007A-1017A, 1987	
		Anal. Chem., Vol. 66, No. 15, pp. 795A-804A, 1994	

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